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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,217	02/13/2004	Carlton J. Sparrell	BC503857-01_USA	2491
43471	7590	06/05/2009		
Motorola, Inc. Law Department 1303 East Algonquin Road 3rd Floor Schaumburg, IL 60196			EXAMINER FEATHERSTONE, MARK D	
			ART UNIT	PAPER NUMBER
			2423	
			NOTIFICATION DATE	DELIVERY MODE
			06/05/2009 ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

Office Action Summary

Application No.

10/777,217

Applicant(s)

SPARRELL ET AL.

Examiner

MARK D. FEATHERSTONE

Art Unit

2423

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-11, 16-22 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-11, 16-22, and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 5-11, 16-22, and 27-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-11, 16-22, and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosser, US Patent # 6446261, hereinafter Rosser, in view of Carlucci et al, US PG Pub # 20040103429, hereinafter Carlucci.

With regard to claim 5, Rosser fails to disclose determining the time of rendering of the content stream on the first active rendering device; and selecting the first targeted advertisement additionally responsive to the determined time. Carlucci discloses determining the time of day the programming content is viewed and selecting the targeted advertisement responsive to the determined time (paragraph [0095]). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Carlucci to the system of Rosser to further determine the targeted advertisement based on the time of day the show is rendered on the rendering device, due to different moods of the user depending on the time of day.

With regard to claim 6, Rosser further discloses identifying a user viewing the content stream on the first active rendering device; and selecting the targeted advertisement additionally responsive to the identified user (column 15, lines 22-28; Rosser describes a number of different ways to identify a specific user of a device in order to target content to that individual).

With regard to claim 7, Rosser further discloses receiving a user-entered program-control command; and selecting the first targeted advertisement additionally responsive to the received user-entered program-control command (column 3, lines 50-60; the system monitors viewing habits when building the profile such as volume adjustments which correspond to a program-control command – the profile being used to select the targeted advertisements).

With regard to claim 8, Rosser discloses:

A network (Fig. 1 network to deliver programming to the user) comprising a plurality of rendering devices (Figure 1, item 56 -2 set top devices), a method for selecting a targeted advertisement for insertion in a content stream, the method comprising: identifying an active rendering device from among the plurality of rendering devices (column 7, lines 46-57; the STB 56 receives a video transmission and is thereby determined active) selecting, responsive to a profile associated with the active rendering device, a targeted advertisement for insertion in a content stream rendered on the active rendering device (column 7, lines 51-60, a particular insertion is selected based on the user profile associated with the particular set top box);

inserting the selected targeted advertisement in the content stream (column 13, lines 25-36; Rosser here explains in detail the selection and insertion of a targeted advertisement based on the user profile)

Inserting the first targeted advertisement in the first content stream approximately concurrently with either:

a rendering, responsive to a second profile associated with the second active device, of a second targeted advertisement in a second content stream rendered on a second active rendering device, wherein the first profile is different from the second profile or a rendering of the second content stream on the second active rendering device (Rosser, figure 1, item 50 teaches a storing of a viewer usage profile within a user set top box. Further, Rosser teaches comparing a viewer usage profile key with a local viewer usage profile, so different insertions can be made on different end users video viewing devices (column 7, lines 51-58). As can be seen in figure 1, the advertisements shown on user screens 56 show different ads (one shows AD1, and one shows LogoB). This results from the different user profiles in each of the user set top devices 44. Rosser shows two distinct set top devices (corresponding to advertising managers) rendering two different advertisements on the same broadcast event.

Rosser describes two different client devices receiving different advertisements while watching the same show by using a profile local to the client device to select an advertisement that is also stored in the STB. Rosser fails to disclose the two STBs are located in a home area network that consists of a plurality

of STBs with separate profiles and an advertisement manager which selects an advertisement responsive to a profile for insertion in a first content stream rendered on the first active rendering device, concurrently with either a rendering of a second targeted advertisement in a second content stream rendered on a second active rendering device or a rendering of a second content stream on the second active rendering device. Carlucci describes a system with local storage of alternate commercials. In paragraph [0092]; Carlucci describes that the alternate commercials can be stored locally to the set-top terminals, such as in advertisement storage within the household. The advertisement storage can be connected to the terminals or incorporated into one of the terminals (corresponding to a home area network). The set-top terminals can be connected in a master-slave configuration, wherein the master stores the advertisements in storage 1101 (fig. 13) and acts as the advertising manager. The master terminal then serves the other terminals with alternative commercials at the request of the slave terminals. Each slave terminal renders its own content stream, and requests advertisements from the master terminal (advertising manager). Furthermore, in paragraph [0095-0097], Carlucci discloses that the inserted ad may be targeted to the user at a set-top terminal, based on user's personal information (profile), and selected by the master device (ad manager), based on this profile information. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to store the advertisements locally in an ad manager and distribute them to users in a home network as taught by Carlucci to the system of Rosser in order to have the capability

of different users within the same household receiving different advertisements based on their preferences/profile (Carlucci, paragraph [0095]).

With regard to claim 9, Rosser fails to disclose wherein the second targeted advertisement is selected by the advertisement manager. Carlucci discloses a plurality of STBs that are served by the advertisement manager which selects the advertisements when requested by the individual STBs (paragraph [0092]; the commercials are selected upon request of the slave terminals). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Carlucci to use the advertisement manager to select the advertisements to more than one STB in order to save the cost of multiple advertisement managers.

With regard to claim 10, Rosser fails to disclose wherein the home network is located wholly on the customer premises side of a demarcation point marking a separation from a carrier network. Carlucci discloses that the home network is wholly located on the customer premises side of a demarcation point (fig. 2, the home network consisting of STT 158-1 – 158-3 is fully located on the customer premises side of the HFC cable network 140; further paragraph [0092] indicates that the STTs are located within the household). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Carlucci to the system of Rosser to fully include the home network on the customer premises side of the network in order to facilitate faster data local data transfers.

With regard to claim 11, Rosser further fails to disclose wherein the home area network is located wholly within a customer premises. Carlucci discloses that the network including the advertisement manager and the slave set top terminals are within the same household (paragraph [0092]; the same household corresponding to the customer premises). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Carlucci to the system of Rosser to store the ads on an advertisement manager located within the same customer premises as the slave set top boxes in order to minimize transmission time of the advertisement to the slave set top box.

Claims 16-22 are the apparatus claims corresponding to method claims 5-11, and are analyzed and rejected accordingly.

Claims 27-33 are the computer readable medium with instructions to perform method claims 5-11, and are analyzed and rejected accordingly.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK D. FEATHERSTONE whose telephone number is (571)270-3750. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F US Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Featherstone/ - Assistant Examiner

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423